

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor : Douglas J. Kerkvliet Appln. No. : Filed : Herewith Title : HYDRAULICALLY OPERATED OVERHEAD DOOR Docket No. : C535.12-0002	Group Art Unit: Examiner:
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**PRELIMINARY AMENDMENT**

**SENT VIA EXPRESS MAIL**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Express Mail No.: EL800725307US

Sir:

IN THE CROSS-REFERENCE TO RELATED APPLICATION(S)

Add paragraph on page 1, line 1, "Cross-Reference to Related Application" --This application is a continuation of Application No. 09/432,309, filed November 2, 1999, entitled "Hydraulically Operated Overhead Door.--

IN THE CLAIMS

Please cancel claims 1-35 and add new claims 36-64 (marked up version attached in Appendix), such that pending claims 36-64 are as follows:

36. (New) An overhead door assembly for a building having an opening to be closed by a door, the door assembly having a vertical closed position and a horizontal open position and the door assembly having dimensions that are substantially equal to the building opening, comprising:

a frame, comprising a horizontal support member and first and second vertical members fixedly mounted to either end of the horizontal member, the vertical members fixedly mounted to a ground portion;

a one-piece door member having a thickness including top and bottom horizontal ends and first and second vertical sides, the top horizontal end of the door

member pivotally mountable to the horizontal member of the frame and the door member movable from the closed position to the open position about the pivot point;

a hydraulic cylinder comprising a first end and a second end, the first end pivotally mountable to a portion of either one of the first and second vertical members, and the second end pivotally mountable to the door member, the hydraulic cylinder having a ram movably disposed within the hydraulic cylinder communicating an opening force and a closing force to the door member; and a truss externally mounted to the bottom horizontal end of the door, the truss supporting the bottom horizontal end.

37. (New) The overhead door assembly of claim 36 and further comprising a resilient weather-resistant seal disposed along the bottom horizontal end of the door member and fixedly mounted thereon, the weather-resistant seal sealing gaps between the bottom horizontal end of the door member and the ground portion.

38. (New) The overhead door assembly of claim 36 and further comprising connecting means for connecting hydraulic hoses from an alternative hydraulic power source.

39. (New) The overhead door assembly of claim 36, wherein a cycle time for opening or closing the door member is between 28 to 32 seconds.

40. (New) The overhead door assembly of claim 36, wherein a cycle time for opening or closing the door member is not greater than about 32 seconds.

41. (New) The overhead door assembly of claim 36, wherein the door member closes flush with a building surface.

42. (New) The overhead door assembly of claim 36 and further comprising a resilient seal for sealing a perimeter of the door member and providing a weather tight seal around all four sides of the door member.

43. (New) The overhead door assembly of claim 36 and further comprising a three position hydraulic valve for controlling the direction of the door member.

44. (New) The overhead door assembly of claim 43 and further comprising check valve locks for locking the door member in a selected position.

45. (New) The overhead door assembly of claim 36, wherein the hydraulic cylinder further comprises a mechanical stop disposed within the cylinder.

46. (New) The overhead door assembly of claim 36, wherein the frame is anchored to a concrete footing.

47. (New) The overhead door assembly of claim 46, wherein the frame is anchored to the concrete footing with anchor bolts fastened to the concrete footing.

48. (New) The overhead door assembly of claim 36, wherein the frame structure supports a substantial portion of the load of the door member.

49. (New) An overhead door for a building having an opening to be closed by the door, the door having a vertical closed position and a horizontal open position and the door having dimensions that are substantially equal to the building opening, comprising:

a one-piece door member having a thickness including top and bottom horizontal ends and first and second vertical sides;

means for fixedly mounting the top horizontal end of the door member to support a structure;

means for mounting to the door member a mechanism adapted and configured to open and close the door member; and

an external truss, the external truss fixedly attached to and supporting the bottom horizontal end of the door member.

50. (New) The overhead door of claim 49 and further comprising a sealing means for sealing the bottom horizontal end of the door member against a ground portion.

51. (New) The overhead door of claim 50, wherein the sealing means comprises a resilient weather-resistant seal disposed along the bottom horizontal end of the door member and fixedly mounted thereon, sealing gaps between the bottom horizontal end of the door member and the ground portion.

52. (New) The overhead door of claim 49, wherein the mounting means, fixedly mounting the top horizontal end of the door member to the support structure comprises a plurality of pairs of hinges fastened with a plurality of bolts.

53. (New) The overhead door of claim 49 and further comprising closing means, closing the door flush with the building opening.

54. (New) The overhead door of claim 53, wherein the closing means, closing the door flush with the building opening comprises angled members that overlap the building opening.

55. (New) The overhead door of claim 53, wherein the closing means further comprises a seal.

56. (New) The overhead door of claim 55, wherein the seal comprises a compressed foam seal.

57. (New) An overhead door assembly provided in a building having an opening to be closed by the door, the overhead door assembly having dimensions that are substantially equal to the building opening, comprising:

a one-piece door member having a thickness including top and bottom horizontal ends and first and second vertical sides;

means for fixedly mounting the top horizontal end of the door member to a support structure;

means for mounting to the door member a mechanism adapted and configured to open and close the door member; and

an external truss, the external truss fixedly mounted to and supporting the bottom horizontal end of the door member.

58. (New) The overhead door of claim 57 and further comprising sealing means, sealing the bottom horizontal end of the door member against a ground portion.

59. (New) The overhead door of claim 58, wherein the sealing means comprises a resilient weather-resistant seal disposed along the bottom horizontal end of the door member and fixedly mounted thereon, sealing gaps between the bottom horizontal end of the door member and the ground portion.

60. (New) The overhead door of claim 57, wherein the mounting means, fixedly mounting the top horizontal end of the door member to the support structure comprises a plurality of pairs of hinges fastened together with a plurality of bolts.

61. (New) The overhead door of claim 57, wherein the mounting means, mounting the door member to the mechanism adapted and configured to open and close the door member comprises a hydraulic cylinder.

62. (New) A door frame assembly separate from a building, the building having an opening to be closed by a one-piece door, the door frame assembly supporting the door only and positioned proximate the opening and having dimensions that are substantially equal to the opening, the door frame assembly comprising:

a horizontal member;

first and second vertical members fixedly mounted to either end of the horizontal member;

an anchoring plate disposed on each vertical member, the anchoring plate capable of anchoring the frame.

63. (New) The door frame assembly of claim 62 and further comprising:

the one-piece door member having a thickness including top and bottom horizontal ends and first and second vertical sides, the top horizontal end of the door member pivotally mountable to the horizontal member of the frame and the door member movable from a closed position to an open position about the pivot point; and

a hydraulic cylinder comprising a first end and a second end, the first end pivotally mountable to a portion of either one of the first and second vertical members, and the second end pivotally mountable to the door member, the hydraulic cylinder having a ram movably disposed within the hydraulic cylinder communicating an opening force and a closing force to the door member.

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64. (New) The door frame assembly of claim 63 and further comprising a truss, the truss externally mountable to and supporting the bottom horizontal end of the door.


REMARKS

Entry of this Preliminary Amendment is respectfully requested. Original claims 1-35 have been cancelled and new claims 36-64 are hereby added. New claims 36-64 are believed to be in allowable form. Consideration and allowance of new claims 36-64 is respectfully requested.

Respectfully submitted,

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**APPENDIX:  
MARKED UP VERSION OF SPECIFICATION AND CLAIM AMENDMENTS**

36. (New) An overhead door assembly for a building having an opening to be closed by a door, the door assembly having a vertical closed position and a horizontal open position and the door assembly having dimensions that are substantially equal to the building opening, comprising:

a frame, comprising a horizontal support member and first and second vertical members fixedly mounted to either end of the horizontal member, the vertical members fixedly mounted to a ground portion;

a one-piece door member having a thickness including top and bottom horizontal ends and first and second vertical sides, the top horizontal end of the door member pivotally mountable to the horizontal member of the frame and the door member movable from the closed position to the open position about the pivot point;

a hydraulic cylinder comprising a first end and a second end, the first end pivotally mountable to a portion of either one of the first and second vertical members, and the second end pivotally mountable to the door member, the hydraulic cylinder having a ram movably disposed within the hydraulic cylinder communicating an opening force and a closing force to the door member; and

a truss externally mounted to the bottom horizontal end of the door, the truss supporting the bottom horizontal end.

37. (New) The overhead door assembly of claim 36 and further comprising a resilient weather-resistant seal disposed along the bottom horizontal end of the door member and fixedly mounted thereon, the weather-resistant seal sealing gaps between the bottom horizontal end of the door member and the ground portion.

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**APPENDIX:  
MARKED UP VERSION OF SPECIFICATION AND CLAIM AMENDMENTS**

38. (New) The overhead door assembly of claim 36 and further comprising connecting means for connecting hydraulic hoses from an alternative hydraulic power source.
39. (New) The overhead door assembly of claim 36, wherein a cycle time for opening or closing the door member is between 28 to 32 seconds.
40. (New) The overhead door assembly of claim 36, wherein a cycle time for opening or closing the door member is not greater than about 32 seconds.
41. (New) The overhead door assembly of claim 36 ,wherein the door member closes flush with a building surface.
42. (New) The overhead door assembly of claim 36 and further comprising a resilient seal for sealing a perimeter of the door member and providing a weather tight seal around all four sides of the door member.
43. (New) The overhead door assembly of claim 36 and further comprising a three position hydraulic valve for controlling the direction of the door member.
44. (New) The overhead door assembly of claim 43 and further comprising check valve locks for locking the door member in a selected position.
45. (New) The overhead door assembly of claim 36, wherein the hydraulic cylinder further comprises a mechanical stop disposed within the cylinder.
46. (New) The overhead door assembly of claim 36, wherein the frame is anchored to a concrete footing.

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47. (New) The overhead door assembly of claim 46, wherein the frame is anchored to the concrete footing with anchor bolts fastened to the concrete footing.

48. (New) The overhead door assembly of claim 36, wherein the frame structure supports a substantial portion of the load of the door member.

49. (New) An overhead door for a building having an opening to be closed by the door, the door having a vertical closed position and a horizontal open position and the door having dimensions that are substantially equal to the building opening, comprising:

a one-piece door member having a thickness including top and bottom horizontal ends and first and second vertical sides;  
means for fixedly mounting the top horizontal end of the door member to support a structure;  
means for mounting to the door member a mechanism adapted and configured to open and close the door member; and  
an external truss, the external truss fixedly attached to and supporting the bottom horizontal end of the door member.

50. (New) The overhead door of claim 49 and further comprising a sealing means for sealing the bottom horizontal end of the door member against a ground portion.

51. (New) The overhead door of claim 50, wherein the sealing means comprises a resilient weather-resistant seal disposed along the bottom horizontal end of the door member and fixedly mounted thereon, sealing gaps between the bottom horizontal end of the door member and the ground portion.

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**APPENDIX:  
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52. (New) The overhead door of claim 49, wherein the mounting means, fixedly mounting the top horizontal end of the door member to the support structure comprises a plurality of pairs of hinges fastened with a plurality of bolts.

53. (New) The overhead door of claim 49 and further comprising closing means, closing the door flush with the building opening.

54. (New) The overhead door of claim 53, wherein the closing means, closing the door flush with the building opening comprises angled members that overlap the building opening.

55. (New) The overhead door of claim 53, wherein the closing means further comprises a seal.

56. (New) The overhead door of claim 55, wherein the seal comprises a compressed foam seal.

57. (New) An overhead door assembly provided in a building having an opening to be closed by the door, the overhead door assembly having dimensions that are substantially equal to the building opening, comprising:

- a one-piece door member having a thickness including top and bottom horizontal ends and first and second vertical sides;
- means for fixedly mounting the top horizontal end of the door member to a support structure;
- means for mounting to the door member a mechanism adapted and configured to open and close the door member; and
- an external truss, the external truss fixedly mounted to and supporting the bottom horizontal end of the door member.

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58. (New)        The overhead door of claim 57 and further comprising sealing means, sealing the bottom horizontal end of the door member against a ground portion.

59. (New)        The overhead door of claim 58, wherein the sealing means comprises a resilient weather-resistant seal disposed along the bottom horizontal end of the door member and fixedly mounted thereon, sealing gaps between the bottom horizontal end of the door member and the ground portion.

60. (New)        The overhead door of claim 57, wherein the mounting means, fixedly mounting the top horizontal end of the door member to the support structure comprises a plurality of pairs of hinges fastened together with a plurality of bolts.

61. (New)        The overhead door of claim 57, wherein the mounting means, mounting the door member to the mechanism adapted and configured to open and close the door member comprises a hydraulic cylinder.

62. (New)        A door frame assembly separate from a building, the building having an opening to be closed by a one-piece door, the door frame assembly supporting the door only and positioned proximate the opening and having dimensions that are substantially equal to the opening, the door frame assembly comprising:

a horizontal member;

first and second vertical members fixedly mounted to either end of the horizontal member;

an anchoring plate disposed on each vertical member, the anchoring plate capable of anchoring the frame.

63. (New)        The door frame assembly of claim 62 and further comprising:

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a one-piece door member having a thickness including top and bottom horizontal ends and first and second vertical sides, the top horizontal end of the door member pivotally mountable to the horizontal member of the frame and the door member movable from a closed position to an open position about the pivot point; and

a hydraulic cylinder comprising a first end and a second end, the first end pivotally mountable to a portion of either one of the first and second vertical members, and the second end pivotally mountable to the door member, the hydraulic cylinder having a ram movably disposed within the hydraulic cylinder communicating an opening force and a closing force to the door member.

64. (New)        The door frame assembly of claim 63 and further comprising a truss, the truss externally mountable to and supporting the bottom horizontal end of the door.

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